



An
Bord
Pleanála

Board Order
PL 06S.248498

Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17B/0009

Appeal by Frank, Martina and David Kelly of 1 Taylors Lane, Ballyboden, Dublin against the decision made on the 20th day of April, 2017 by South Dublin County Council to grant subject to conditions a permission to Rodney Bishop care of Gavin Kirwan of 20 Woodford Court, Clondalkin, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a side single storey extension, flat roof type with an extended canopy to front as part thereof to give additional living accommodation with all on-site ancillary services at 2 Taylors Lane, Ballyboden, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, the location of the site within the urban area, the nature and scale of the proposed development and the pattern of existing development in the vicinity, together with the information submitted as part of the planning application and the appeal, the Board is satisfied that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design and scale and would not seriously injure the residential amenities of existing adjacent properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the solution proposed by the applicant to extend the soil vent stack and the ventilation flap to the eaves level of number 1 Taylors Lane is a reasonable solution in planning terms and that access to the electricity meter can be maintained by way of a set back from the existing front building line. Furthermore, in accordance to Section 34 (13) of the Planning and Development Act, a person shall not be entitled solely by reason of a permission to carry out any development.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of March 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed extension shall be amended such that the footprint is reduced and the front entrance doors are set back by approximately 1.5 metres from the front building line of the existing dwellings (and in any event far enough back to allow continued access to electricity meter of number Taylors Lane). Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To allow continued access to the electricity meter of number 1 Taylors Lane.

3. Details of the external finishes of the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The existing dwelling and proposed extension shall be jointly occupied as a single residential unit and the extension shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017